

REMARKS/ARGUMENTS

This is a Response to the Final Office Action mailed June 16, 2004, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire September 16, 2004. Sixty-three (63) claims, including thirteen (13) independent claims, were paid for in the application. Claims 1-57 have been canceled. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 58-63 are pending.

35 U.S.C. § 102(b) Rejections

Claim 37 was rejected under 35 U.S.C. § 102(b) as being anticipated by Werth (U.S. Patent No. 4,931,947).

Claims 21-23, 26-33, 35-36, 50-53 and 55-57 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamamoto (U.S. Patent No. 4,883,723).

Claims 21-23, 26-33, 35-37, 50-53 and 55-57 are hereby canceled without prejudice to the filing of any divisional, continuation, or continuation-in-part application.

Rejections Under 35 U.S.C. § 103

Claims 37-43 and 47-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Werth (U.S. Patent No. 4,931,947).

Claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Werth (U.S. Patent No. 4,931,947), and further in view of Kujas (U.S. Patent No. 4,721,660).

Claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Werth (U.S. Patent No. 4,931,947), and further in view of Alderman (U.S. Patent No. 6,100,665) and Bates et al. (U.S. Patent No. 5,318,142).

Claims 24-25, 34 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Macharg (U.S. Patent No. 3,800,208).

Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Brokaw (U.S. Patent No. 5,339,018).

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Takabayashi (U.S. Patent No. 4,839,574).

Claims 1-2, 5-7, 9-11, 13, 16-17, 50-53 and 55-57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Tajima (U.S. Patent No. 4,904,548).

Claims 3-4, 14-15 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Tajima (U.S. Patent No. 4,904,548) and further in view of Macharg (U.S. Patent No. 3,800,208).

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Tajima (U.S. Patent No. 4,904,548) and further in view of Werth (U.S. Patent No. 4,931,947).

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Tajima (U.S. Patent No. 4,904,548) and further in view of Werth (U.S. Patent No. 4,931,947) and Yamada (U.S. Patent No. 5,482,790).

Claims 8, 12 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 4,883,723) in view of Tajima (U.S. Patent No. 4,904,548) and further in view Boyer et al. "Evaluation of Methods to Increase the Oxygen Partial Pressure in PEM Fuel Cells".


Claims 1-20, 24-26, 34, 37-43, and 45-57 are hereby canceled without prejudice to the filing of any divisional, continuation, or continuation-in-part application.

Applicant notes that claim 44 was not addressed in the Office Action. Claim 44 is hereby canceled without prejudice to the filing of any divisional, continuation, or continuation-in-part application.

Conclusion

Applicant thanks the Examiner for allowing claims 58-63. In light of the above amendments and remarks, Applicant respectfully submits that this application is now in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited. Examiner Cantelmo is encouraged to contact Mr. Abramonte by telephone to discuss the above; if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact Mr. Abramonte by telephone to expediently correct such informalities.

Respectfully submitted,
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